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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,847	03/30/2004	Byung-cheol Park	1572.1328	2330

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EXAMINER

GEHMAN, BRYON P

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TMR

Office Action Summary

Application No.

10/811,847

Applicant(s)

PARK, BYUNG-CHEOL

Examiner

Bryon P. Gehman

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/30/04</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 3 and 5, "the refrigerator" lacks antecedent basis, as "A packing unit for a refrigerator" fails to distinguish a refrigerator per se. In lines 4-5, "an upper shock absorber ...connected to an upper part of the (sic) refrigerator" is the first instance where the combination of a refrigerator and the packing unit is made. In lines 5-6, "the door handle" lacks antecedent basis, as "A packing unit for a refrigerator" fails to distinguish a refrigerator per se and, accordingly, any door handle per se.

In claim 2, lines 2-3, "the door handle accommodated therein" lacks antecedent basis, as such is not positively defined to occur.

In claims 4 and 6, line 2 of each, "and connects to the upper part of the refrigerator" is redundant in view of claim 1, lines 5-6.

In claim 13, lines 3 and 5, "the refrigerator" lacks antecedent basis, as "A packing unit for a refrigerator" fails to distinguish a refrigerator per se. In lines 4-5, "an upper shock absorber ...connected to an upper part of the (sic) refrigerator" is the first instance where the combination of a refrigerator and the packing unit is made. In line 7, "the door handle" lacks antecedent basis, as "A packing unit for a refrigerator" fails to distinguish a refrigerator per se and, accordingly, any door handle per se.

In claim 14, line 3, "the door handle accommodated therein" lacks antecedent basis, as such is not positively defined to occur.

In claim 16, line 2, "and connects to the upper part of the refrigerator" is redundant in view of claim 13, lines 6-7.

In claim 17, lines 1-2, "is elastically supported in the upper shock absorber" is inconsistent with claim 13, lines 6-8.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (6,274,217) in view of either one of Smith (6,786,334) and Brown et al. (6,126,002). Kim discloses a packing unit for a refrigerator comprising an outer case (disclosed shipping carton), an upper shock absorber (11) and a lower shock absorber (12) connected to an appliance, which could include a refrigerator (column 1, lines 11-13). Smith and Brown et al. each disclose shock absorbers (10; 34; respectively) which include accommodating parts (void beneath ribs 29; 47) in the lower shock absorber to store accessories of the main content. To modify the lower shock absorber of Kim employing the shock absorber accommodating part of either one of Smith and Brown et

al. would have been obvious in order to store accessories for Kim's refrigerator, as suggested by either one of Smith and Brown et al..

As to claim 14, to render the accommodating part large enough to retain the intended content would have been obvious to one of ordinary skill in the art by common sense.

As to claim 15, each discloses the shock absorber comprised of polystyrene.

As to claim 16, any portion of the shock absorber not tight against the content will comprise an "air vent" as much as distinguished.

5. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 13 above, and further in view of Walters (3,478,869). Walters discloses a content (40) elastically supported and forcibly fitted to an accommodating part of a shock absorber. To modify the accommodating parts of the prior art combination to be sized to the exact size of the intended content would have been obvious in order to secure the content to the absorber, as suggested by Walters.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 13 above, and further in view of Drakenfeld (343,704). Drakenfeld discloses employing an adhesive material to secure a content within a holding structure. To modify the accommodating parts of the prior art combination to include adhesive would have been obvious in view of Drakenfeld in order to better secure the content in the accommodating part.

7. Claims 1-12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are shock absorbers and appliance packing units.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/811,847
Art Unit: 3728

Page 6

A handwritten signature in black ink, appearing to read "Bryon P. Gehman". The signature is fluid and cursive, with the first name "Bryon" being more prominent than the last name "Gehman".

Bryon P. Gehman
Primary Examiner
Art Unit 3728

BPG